

Committee(s)	Dated: 16/11/2020
Committee name Epping Forest and Commons Committee	
Subject: Approval to authorise external agents to support enforcement of Public Spaces Protection Orders at Burnham Beeches	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	11
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain's Department?	Y
Report of: Director of Open Spaces	For Decision
Report author: Superintendent of The Commons	

Summary

1. In July 2020, your Committee approved the extension of Public Spaces Protection Orders (PSPOs) at Burnham Beeches for a further three year commencing December 1st 2020.
2. In that report members delegated authority to the Director of Open Spaces so that he may authorise officers at Burnham Beeches to issue Fixed Penalty Notices (FPN's) to enforce the PSPOs.
3. Given the increased number of visitors to Burnham Beeches and uncertainty of staff levels during the current Covid-19 pandemic, the Superintendent has identified the need to provide additional support to the Rangers' team to maintain the fair and consistent enforcement of PSPOs and issuing of FPN's, during the Covid-19 pandemic.
4. This report seeks your Committees' approval to delegate authority to the Director of Open Spaces so that he may authorise additional and external support to issue FPN's on behalf of the City of London according to the Enforcement Protocol (EP) and Dog Management Strategy (DMS) operating at Burnham Beeches.
5. The City Solicitor indicates in paragraph 19 that employees of an external agency may issue FPNs at Burnham Beeches for Order 1, 2, 4 and s. However, Order 3 'Dogs on lead by Direction', specifically defines 'an authorised officer of the Authority' as being an employee of the Authority. The other Orders do not contain that specific limitation. Therefore, Order 3 is excluded from this report's recommendation.

Recommendation(s)

Members are asked to:

6. Delegate authority to the Director of Open Spaces so that he may enter into contractual arrangements with an external agency and authorise (named) employees of that agency to work in partnership with the Burnham Beeches Team to issue FPNs for orders 1, 2, 4 and 5 on behalf of the City of London Corporation, according to the site based EP and DMS.

Main Report

Background

7. Under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 it is an offence for a person without reasonable excuse to do anything that they are prohibited from doing by a PSPO, or to fail to comply with a requirement to which they are subject under a PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level three on the standard scale (£1,000). Under section 68, a constable or authorised person may issue a fixed penalty notice to anyone that they have reason to believe has committed an offence, offering that person the opportunity to discharge any liability to conviction by payment of a fixed penalty.
8. In July 2020, your Committee approved the extension of the PSPOs at Burnham Beeches for a further three years commencing December 1st 2020. The Director of Open Spaces was also granted delegated authority to appoint Officers at Burnham Beeches so that they may issue FPN's in relation to PSPOs.

Current Position

9. Subsequent to the July 2020 approval, it has become apparent that the greatly increased number of people visiting Burnham Beeches since the onset of the Covid - 19 pandemic, is likely to continue for the foreseeable future. Further, many of these visitors are unfamiliar with the site and its PSPOs so the 'education and enforcement' role of the rangers will be of paramount importance.
10. The continuing pandemic carries with it the possibility that the number of Rangers available to patrol the site and enforce PSPOs will fluctuate due to the need to self-isolate or possible illness. Subsequently the management of PSPOs would become less effective and dog related anti-social behaviour may increase.
11. The City of London Corporation is currently using an external agent to administer Parking Charge Notices (PCNs) at Burnham Beeches. During the Covid – 19 pandemic, the contractor has recently provided additional 'on site' support to the Rangers' team by patrolling the car parks and issuing PCNs. The external service provided over that period has been guided by the local Parking Enforcement Protocol and has provided a reliable service and good value for money. Members should note that unlike FPNs, Officers are not required to be formally authorised to issue PCNs.
12. Based on this recent experience your Superintendent is satisfied that an external agency can also provide suitably trained staff to deliver an integrated and reliable service for the daily the management of dog related anti-social behaviour including the issuing of FPNs. The DMS and EP would ensure that

the ‘educate, warn, and only issue an FPN as a last resort’ will be followed by the external agency. Agency staff will not be incentivised in any manner to issue FPN’s.

Proposals

13. This report seeks your Committees’ approval to delegate authority to the Director of Open Spaces to appoint an external agency so that they may issue Fixed Penalty Notices for PSPOs 1, 2, 4 and 5 according to the Enforcement Protocol and DMS operating at Burnham Beeches.
14. Although the C-19 pandemic introduces some uncertainty as to the amount of activity required of the external agent it is intended that the additional service be highly flexible and focussed on periods when number of local Officers is unavoidably at a minimum. This approach will also minimise the associated costs.

Options

Option 1. Approve delegated authority to the Director of Open Spaces to appoint an external agency to support the work of the local Rangers in the enforcement of PSPOs and issuing of FPNs. This will ensure adequate enforcement at all times during a period of exceptionally high visitor numbers and unavoidable uncertainty over staff availability. **This is the recommended option** although Members should note the City Solicitor’s comments in paragraph nineteen that sets limitations to this recommendation.

Or

Option 2. Do nothing. This option carries a risk that too few Rangers are available to monitor and manage antisocial dog behaviour. Management of dog-related antisocial behaviour would become less effective/consistent over an extended period resulting in the re-establishment of unacceptable behaviours.

Corporate & Strategic Implications

15. **Strategic implications.** This proposal supports the City’s aim to *Shape outstanding environments* and helps to deliver Outcome 12 i.e. *Our spaces are secure, resilient and well maintained*.
16. **Financial implications.** The external agent will only be required to operate on the site during periods of reduced Ranger availability to minimise the impact on Local Risk budgets. It is anticipated that Option 1 will cost approximately £4,000 per annum, potentially less, with all costs being met from Local Risk budgets
17. **Resource implications.** The proposal will support existing staff resources until there is greater certainty as to their long-term availability to enforce PSPOs.
18. **Legal implications.** Section 68 of the Antisocial Behaviour, Crime and Policing Act 2014, enables the City Corporation to authorise external agents to issue FPNs on its behalf. An ‘Authorised person’ means a person authorised for the purposes of that section by the local authority (or other designated body) that made the Order.

19. Members should note that whilst appropriately authorised employees of an external agency may issue FPNs on behalf of the City Corporation for Orders 1,2,4 and 5 at Burnham Beeches this is not the case for Order 3 ‘Dogs on lead by Direction’ as that Order specifically defines ‘an authorised officer of the authority’ as being an employee of the Authority. The remaining Orders do not have this restriction therefore Order 3 is excluded from this report’s recommendation.
20. **Risk implications.** See Option 2 above. Visitors will be informed that an external agency is occasionally assisting the Rangers via social media, site signage, web site and newsletter.
21. **Equalities implications.** A test of relevance has been carried out – **Appendix 1**.
22. **Climate change implications.** N/A
23. **Security implications.** Visitors will continue to benefit from reduced levels of anti-social behaviour established by the introduction of PSPOs (previously Dog Control Orders) in 2014.

Conclusion.

24. Approval of the recommendation in this report would be of great benefit to staff and visitors at Burnham Beeches, helping to maintain the current good level of dog behaviour on the site.
25. The financial implications are thought to be necessary, affordable and time limited.

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Appendices.

Appendix 1. Test of relevance

Background Reports - Extension of existing PSPOs at Burnham Beeches. Epping Forest and Commons Committee – 6th July 2020.